

REMARKS/ARGUMENTS

Receipt of the office action mailed May 30, 2008 is acknowledged. Claims 1-11 are pending in the application. Claims 1-9 and 11 are rejected under 35 U.S.C. §103(a) as being unpatentable over Delouvre et al. (US Des 425,275) in view of Willat et al. (U.S. 2004/0217555). Claim 10 is rejected under 35 U.S.C. §103(a) as being unpatentable over Delouvre in view of Willat in further view of Brightbill et al. (US Des 362,931). Selected claims have been canceled, and new claims 12-22 are submitted herewith for consideration. In keeping with the foregoing amendments and the following arguments, reconsideration and allowance is respectfully requested.

Claim 1 has been canceled and replaced with new claim 12. New claim 12 positively recites, in part, an inverted arched rim formed adjacent an upper end of the sidewall and having an outer facing side. A curved wall section is formed along contiguous portions of the side wall and the arched rim, with the curved wall section curving concavely inward toward the basket interior. The bottom panel, the side wall, and the arched rim are formed of a primary material having a first coefficient of friction. A cushion pad completely covers the outer facing side of the arched rim along at least a portion of the curved wall section, with the cushion pad being formed of a secondary material different than the primary material and presenting a friction enhancing surface having a second coefficient of friction greater than the first coefficient of friction.

By comparison, Delouvre does not disclose or even suggest a cushion pad that completely covers the outer facing side of the arched rim along the curved wall section. It appears from the reference that the basket includes an inwardly curved wall section made of a primary material, and may suggest a different material adjacent the handles as asserted in paragraph 1 of the detailed action. Whatever this alleged secondary material may be, even a cursory review of Figure 1 of the reference shows that this secondary material is disposed inwardly and thus away from the user in the region of the inwardly curved wall section. In other words, claim 12 specifically places the cushion pad having a friction enhancing surface in a position to completely cover the outer facing side of the arched rim along a portion of the curved wall section. On the other hand, the cited reference places some indiscernible secondary material on the inner facing surface of the rim, with that indiscernible material therefore being disposed away from a potential user. Whatever the teachings of the Willat reference may be, the Willat reference cannot remedy this deficiency in the primary Delouvre

reference. Consequently, the cited combination fails to teach or even suggest the foregoing claim limitations, and therefore there is no proper *prima facie* case of obviousness. Therefore, claim 12 is in allowable form.

Claims 4-5, 7 and 13-17 all depend from claim 12, either directly or through intervening claims. Accordingly, these claims also are in allowable form.

The rejection of claim 8 is fatally flawed and must be withdrawn. Claim 8 positively recites, in part, a rim formed extending around and generally outwardly from the upper end of the side wall, a side wall having a curved wall section that curves concavely inward toward the basket interior, with the bottom panel and the contiguous side wall including the curved wall section being formed of a primary material. A recess is formed in the rim and positioned to coincide with the curved wall section, and at least one handle is provided on the side wall near the upper end and positioned opposite the curved wall section. A cushion pad is positioned in the recess, with the cushion pad being formed from a secondary material that is softer than the primary material of the curved wall portion.

By comparison, neither of the cited references disclose or even suggest a cushion pad positioned in a recess, with the recessed formed in the rim and positioned to coincide with the curved wall section. The primary Delouvre reference contains no suggestion whatsoever of a recess that receives a cushion pad, nor does the secondary Willat reference suggest such a pad. Even if one were to consider the enclosed pocket indicated at 20 in Figure 2 of the secondary reference as a recess, clearly whatever material is contained within that pocket is not positioned as claimed. Accordingly, there cannot be a proper *prima facie* case of obviousness based on the cited references and claim 8 is in allowable form, as are all claims that depend from claim 8.

New independent claim 18 positively recites, in part, an inverted arched rim formed adjacent an upper end of the sidewall and including an outer facing side, with the bottom panel, the side wall, and the arched rim formed of a primary material, the primary material having a first coefficient of friction. A hip hugging region is formed by cooperating curved sections of the arched rim and the side wall, the hip hugging region curving concavely inward toward the basket interior. A recess is formed in the arched rim at least along a portion of the hip hugging region, and a cushion pad is disposed over the recess and completely covers the outer facing side of the arched rim along the hip hugging region. The cushion pad is formed of a secondary material different than the primary material, the secondary material arranged

to present a friction enhancing surface along the hip hugging region, the friction enhancing surface having a second coefficient of friction greater than the first coefficient of friction.

By comparison, none of the cited references, taken alone or in any proper combination, teaches or even suggests the claimed cushion pad, formed of the material as claimed, positioned as claimed, or disposed in a recess in the arched rim. In fact, the Delouvre reference teaches directly away from many aspects of the invention as claimed by claim 18. Moreover, because the primary reference is a design patent in which the appearance comprises the expressly claimed teachings of the reference, there can be no proper suggestion to engage in a wholesale reconstruction of the Delouvre reference without destroying and/or discarding the express teachings of that reference. Accordingly, new claim 18 is in allowable form.

With further respect to dependent claim 19, the primary reference does not disclose or even suggest a laundry basket in which a hip hugging region is devoid of a handle having a grip opening, in conjunction with a handle having a grip opening disposed on the side wall opposite the hip hugging region. Claims 19-22 all depend from new claim 18, and therefore are also in allowable form.

In view of the foregoing, the above-identified application is in condition for allowance. In the event there is any remaining issue that the Examiner believes can be resolved by a telephone conference, the Examiner is respectfully invited to contact the undersigned attorney at (312) 474-6612.

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Respectfully submitted,

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